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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA, SOUTHERN DIVISION**

15 ALLSTATE INSURANCE COMPANY,  
16 ALLSTATE PROPERTY & CASUALTY  
INSURANCE COMPANY and ALLSTATE  
INDEMNITY COMPANY,

Plaintiffs,

OBTEEN N. NASSIRI, D.C., individually,  
JENNIFER NASSIRI, individually, JIM  
ANDERSEN, individually, CHRISTYN  
ANDERSEN, individually, DAA TRUST, a  
Nevada Trust, HARLEY TRUCK, LLC, a  
Nevada limited liability company, 181  
RUSTY PLANK, LLC, a Nevada limited  
liability company, ANDERSEN FAMILY  
TRUST, a Nevada trust, ADROON, LLC, a  
Nevada limited liability company, 2111 S.  
MARYLAND, LLC, and Nevada limited  
liability company, FAA FOI TUITAMA,  
individually, ADVANCED MED LLC, a  
California limited liability company, GREEN  
TREE SERVICES, LLC, dba MTC WEST  
COAST MEDICAL TRAINING CENTERS, a  
Nevada limited-liability company, VALLEY  
WELLNESS AND RECOVERY, an entity of

Case No. 2:15-cv-1434-GMN-VCF

**JOINT STATUS REPORT RE: PENDING  
SETTLEMENT MATTERS AND  
POTENTIAL CASE CONCLUSION**

1 unknown origin, and, GOOD HANDS  
2 CHIROPRACTIC, INC. dba GOOD HANDS  
3 CHIROPRACTIC, a Nevada corporation,  
4 Defendants.

5 The above parties through their respective counsels for record hereby submit the following  
6 joint interim status report and order to update the Court on the status of recent case developments,  
7 including potential settlement and a stay of all dispositive motions pending completion of  
8 settlement agreement.

9 **I. CASE POSTURE**

10 **A. Status of Pending Motions**

11 This case is currently in the dispositive motion phase, and there are three (3) motions  
12 currently before the Court. They are:

- 13 • Green Tree Defendants' Motion to Dismiss 2<sup>nd</sup> Amended Complaint (Dkt.#128);  
14 • Green Tree Defendants' Motion for Summary Judgment (Dkt. #150); and  
15 • Plaintiffs' Motion for Spoliation of Evidence Sanctions (Dkt. #161).

16 The motion to dismiss second amended complaint has been fully briefed and is pending  
17 before the Court. By contrast, both the motion for summary judgment and the motion for  
18 spoliation of evidence sanctions are in the briefing stage, and are not yet ripe for consideration by  
the Court.

19 An Interim Status Report was filed with the Court on December 15, 2016 (Dkt. #107). The  
20 parties indicated three (3) potential trial dates between September and October, 2017, however to  
21 date no trial date has been set. This is very likely in large part to the outstanding discovery  
22 matters that we have been outlined in detail in the Joint Status Report Regarding Outstanding  
23 Discovery Matters on August 8, 2017 (Dkt. #155). The outstanding discovery matters also  
24 contributed to the extensions of time granted by the Court in responding to Green Tree  
25 Defendants' Motion for Summary Judgment. An Order Granting the Third Extension of Time to  
26 Respond to the Motion for Summary Judgment was entered by the Court on October 10, 2017.

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1 (Dkt. #163). This extension provided for Plaintiffs' response to be filed by October 16, 2017. *Id.*<sup>1</sup>  
2 These aforementioned discovery matters also formed the basis of Plaintiffs' motion for spoliation  
3 of evidence sanctions. (Dkt. #161).

4       **B. Agreement to Stay of Dispositive Motions**

5       By October 13, 2017, the parties were engaged in serious settlement discussions that  
6 carried over into the weekend. On October 16, 2017, the parties reached and preliminary  
7 agreement in principle as to the amount of settlement that would resolve the lawsuit as to all  
8 parties. There are still several material terms and conditions of this potential settlement that need  
9 to be resolved before a formal agreement can be reached. The parties are currently working  
10 towards resolving these remaining material and principle terms. To that end, the parties have  
11 agreed to a general stay of thirty (30) days with respect to all dispositive motions in order to focus  
12 on completing a settlement agreement.

13       This agreement to stay responses to dispositive motions includes: 1) Plaintiffs' response to  
14 Green Tree Defendants' motion for summary judgment as well as Green Tree Defendants' Reply;  
15 and 2) all Defendants' response to the motion for spoliation of evidence sanctions as well as  
16 Plaintiffs' Reply<sup>2</sup>.

17       **II. REQUEST FOR STAY AND STATUS HEARING**

18       Pursuant to the efforts outlined above by all parties to resolve this matter completely, they  
19 request the Court issue a stay of thirty (30) days on responses and replies to all dispositive motions  
20 so that a complete settlement can be reached. The remaining issues involve material terms  
21 between Plaintiffs and Defendant Obteen Nassiri, that if reached, would conclude this litigation as  
22 to all Defendants (including the Green Tree Defendants). The parties believe that these remaining  
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24  
25       <sup>1</sup> As outlined in the sections below, the parties have agreed to a 30-day "stay" of all dispositive motion  
26 practice, including responses to motions, while settlement is finalized and formalized between the parties.  
As such, Plaintiffs (per this agreement) will not be filing their response to summary judgment at this time.

27       <sup>2</sup> Plaintiffs have been informed by Nassiri's counsel that his response to the spoliation of sanctions motion  
28 was filed on October 16<sup>th</sup> prior to the final agreement for the stay being in place. Regardless of the filing,  
the parties are in agreement on the stay for this motion as to all parties.

1 terms and conditions can be reached by and between the parties directly with no need for  
2 mediation, settlement conference or other form of alternative dispute resolution.

3 The parties also request a thirty (30) day status report from today to inform and advise the  
4 Court on the status of this preliminary settlement agreement. While the parties are hopeful that  
5 settlement can be completed and terms agreed to, they also understand that as of yet there is still  
6 work to do and there is always the possibility that a final agreement as to material terms may not  
7 be reached. In the event that this unlikely scenario occurs, the parties can report to the Court that  
8 settlement could not be reached and present briefing/response deadlines so that the pending  
9 motions can be reinstated. If a full agreement is reached and executed, then the parties can so  
10 report in that supplemental status report.

11 **III. CONCLUSION**

12 The parties hereby request a 30-day stay of all dispositive motions pending the completion  
13 of settlement discussions between the parties to come to a final resolution of this litigation. The  
14 parties request an Order for a supplemental status report to be filed with the Court within 30 days  
15 to advise whether a full and complete settlement has been reached.

16 In the event settlement is not reached, the dates shall be issued for the completion of the  
17 briefing of the pending dispositive motions.

18 DATED this 17<sup>th</sup> day of October, 2017

DATED this 17<sup>th</sup> day of October, 2017

19 McCORMICK, BARSTOW, SHEPPARD,  
20 WAYTE & CARRUTH LLP

FRIZELL LAW FIRM PC

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400 North Stephanie Street, Suite 265  
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Attorneys for Defendants Faa Foi Tuitama,  
Advanced Med LLC, and Green Tree  
Services LLC

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28 ///

1 DATED this 17<sup>th</sup> day of October, 2017

2 HUTCHISON & STEFFEN

3

4 By /s/ Todd Moody

5 Todd L. Moody  
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9 Attorney for HARLEY TRUCK, LLC,  
10 OBTEEN NASSIRI, D.C., JENNIFER  
11 NASSIRI, DAA TRUST

12 IT IS SO ORDERED.

13 24th  
14 DATED this \_\_\_\_\_ day of October, 2017.  
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16 UNITED STATES MAGISTRATE ~~COURT~~ JUDGE  
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IT IS HEREBY ORDERED that a status hearing  
is scheduled for 11:00 AM, November 27, 2017, in  
courtroom 3D.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17 day of October, 2017, a true and correct copy of **JOINT STATUS REPORT RE: PENDING SETTLEMENT MATTERS AND POTENTIAL CASE CONCLUSION** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

## SERVICE LIST

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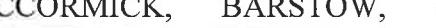
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**UNREPRESENTED AS OF 1/21/16**

**2111 S. Maryland, LLC  
MTC West Coast Medical Training  
Centers  
Valley Wellness and Recovery  
Good Hands Chiropractic, Inc.**

By   
Tricia Dorner, an Employee of  
MCCORMICK, BARSTOW, SHEPPARD,  
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